

**RESPONSE UNDER 37 C.F.R. 1.116
EXPEDITED PROCEDURE
EXAMINING GROUP 2617**

Attorney Docket No. 9314-57

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re: Hill et al.

Serial No.: 10/736,079

Filed: December 15, 2003

For: **METHODS, SYSTEMS AND COMPUTER PROGRAM PRODUCTS FOR
CONTROLLING USAGE OF A MOBILE TERMINAL**

Examiner: Emem Ekong

Group Art Unit: 2617

Confirmation No: 3249

Date: August 28, 2007

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Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

**REASONS IN SUPPORT OF APPLICANTS' PRE-APPEAL
BRIEF REQUEST FOR REVIEW**

Sir:

This document is submitted in support of the Pre-Appeal Brief Request for Review filed concurrently with a Notice of Appeal. Applicants hereby request a Pre-Appeal Brief Review (hereinafter "Request") of the claims finally rejected in the Final Office Action mailed June 19, 2007 (hereinafter "Final Action"). The Commissioner is hereby authorized to charge any additional fee, which may be required, or credit any refund, to our Deposit Account No. 50-0220.

REMARKS

Claims 1-32, which were finally rejected in the Final Action, are the subject of this Request. Applicants respectfully submit that the rejections of these claims are based on a clear error in understanding the applied references, and that the Final Action has failed to establish a *prima facie* case of obviousness. Therefore, Applicants respectfully request review of the present application by an appeal conference prior to the filing of an appeal brief. In the interest of brevity and without waiving the right to argue additional grounds should this Request be denied, Applicants limit the discussion herein to clear errors in the rejections of the independent claims.

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Independent Claims 1, 22, and 30 stand rejected under 35 USC §103(a) as being obvious over U.S. Patent No. 5,884,193 to Kaplan (hereinafter "Kaplan") in view of U.S. Patent Application Publication No. 2004/0209649 to Lord (hereinafter "Lord"). Final Action, Pages 5-6. Claim 1 recites:

1. A method for controlling usage of a mobile terminal, the method comprising:
 - receiving a usage specification including an identification of allowed numbers, an identification of restricted numbers, a usage time limitation, an expiration value and/or a specification of enabled services of the mobile terminal that are restricted; and
 - limiting usage of the mobile terminal based on the received usage specification responsive to receipt of a valid authorization code; and
 - wherein receiving a usage specification and limiting usage further comprise at least one of the following:
 - receiving a usage specification restricting access to enabled services of the mobile terminal including internet access services, multimedia messaging access services, email services, camera and/or video functions; and/or
 - receiving the authorization code wherein the authorization code is encoded to restrict viewing of the authorization code by a user of the mobile terminal. (*Emphasis added*).

Applicants submit that at least the highlighted portions of Claim 1 are not disclosed or suggested by the combination of Kaplan and Lord.

The Final Action asserts that Kaplan discloses receiving a usage specification restricting access to enabled services of a mobile terminal. *See* Final Action, Pages 2-3. In particular, the Response to Arguments section of the Final Action argues that Kaplan discloses these recitations because "Kaplan discloses wireless communication device with user specified restriction" and "wireless communication devices are well known to be used for internet access services, multimedia messaging access services, email services, camera and/or video functions". Final Action, Page 3.

Applicants respectfully disagree. While the system of Kaplan may be implemented in wireless communication devices used for e-mail and internet services, the user-specified restrictions described in Kaplan relate to *calling* restrictions, not e-mail and/or internet restrictions. *See* Kaplan, Col. 3, lines 31-45. For example, one of the portions of Kaplan cited in the rejections describes providing "various levels of call restriction that can be

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selected by the user". Kaplan, Col. 3, lines 31-34 (*emphasis added*). Such call restrictions include, for example, restrictions on domestic and/or international long distance calls, 411 numbers, 800 numbers, 900 numbers, collect calls, call waiting, call forwarding, speed dialing, and the like. *See* Kaplan, Col. 7, lines 44-66. As such, nowhere do the cited portions of Kaplan disclose or suggest restrictions on e-mail and/or internet services, as alleged by the Final Action. *See* Final Action, Page 5. Thus, the Final Action inaccurately characterizes the disclosure of Kaplan as teaching a usage specification restricting access to "internet access services, multimedia messaging access services, email services, camera and/or video functions", as recited in Claim 1. This mischaracterization is a clear factual error underlying the rejection of Claim 1.

The Final Action further asserts that Lord discloses the encoded authorization code of Claim 1. *See* Final Action, Page 5. In particular, the Response to Argument section of the Final Action argues that Lord discloses an authorization code that is encoded to restrict viewing of the code by a user of the mobile terminal because "Lord discloses encoded key for enabling reception of broadcast communication (see pars. 10 lines 8-10)" and "it is inherent, that it is encoded to restrict viewing by a user of the mobile terminal". Office Action, Page 3.

Applicants respectfully disagree. As an initial matter, Applicants note that the cited portion of Lord describes a "removable electronic accessory device encoded with a machine-readable electronic key, optionally a telephone number, enabling reception of the broadcast communication." Lord, Paragraph 0010, lines 8-10. As such, the cited portion of Lord describes that the *accessory device*, not the key itself, is encoded. As further described in Lord:

[0031] More preferred, however, is a personal broadcast key which enables the reception of at least one specified channel for a defined period of time, for example one three or six months, one, two or three years, or a trial period of one week. The personal broadcast key can comprise a private code and the specific broadcast to be enabled can comprise a public code, and the private and public codes can be used cooperatively by the receiving device to unlock the receiving device to process the specific broadcast for viewing, listening and/or storage by the viewer. Preferably, the personal broadcast key also includes a personal, code which can include a personal identifier or an

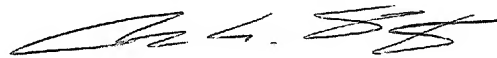
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identifier indicating the source, distributional or otherwise of the personal broadcast key. The personal broadcast key may optionally additionally include coding keys which enable decoding of an encrypted broadcast. Preferably, if the personal broadcast key does not meet the service provider's requirements as defined in the specific broadcast signal public key; no viewing, hearing or storage of the specific broadcast is possible.

Lord, Paragraph 0031 (*emphasis added*). Accordingly, Lord describes a broadcast key including private and/or personal codes that may be used to unlock a receiving device and/or decode an encrypted broadcast to allow viewing, hearing, and/or storage of the broadcast using the device. In other words, the encoding described in Lord is used to prevent viewing of the broadcast by a user of the device, not viewing of the key. As such, nowhere do the cited portions of Lord disclose or suggest that the broadcast key and/or the codes *themselves* are encoded, nor that the key/codes are encoded to restrict viewing *by a user* of the mobile terminal. Thus, Applicants submit that the Final Action inaccurately characterizes the disclosure of Lord as teaching an authorization code that "is encoded to restrict viewing of the authorization code by a user of the mobile terminal", as recited in Claim 1. This mischaracterization is another clear factual error underlying the rejection of Claim 1.

Accordingly, based on the above remarks, Applicants submit that it is a clear error of fact to assert that combination of Kaplan and Lord discloses or suggests all of the recitations of independent Claim 1 and/or independent Claims 22 and 30, which, respectively, include system and computer program product recitations corresponding to the method of Claim 1. As such, the Final Action has not established a *prima facie* case of obviousness. Thus, Applicants respectfully request that the present application be reviewed and the rejections of Claims 1-32 be reversed by the appeal conference prior to the filing of an appeal brief for at least these reasons.

Respectfully submitted,

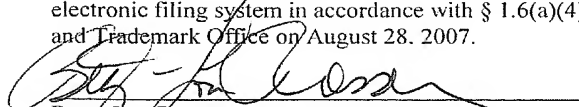


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**CERTIFICATION OF ELECTRONIC TRANSMISSION
UNDER 37 CFR § 1.8**

I hereby certify that this correspondence is being transmitted via the Office electronic filing system in accordance with § 1.6(a)(4) to the U.S. Patent and Trademark Office on August 28, 2007.



Betty-Lou Rosser
Date of Signature: August 28, 2007